

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


APPLICANT: MARY S.R. WILLIAMS                      DOCKET NO.: 121894.00003  
SERIAL NO.: 10/732,946                                      EXAMINER: Richman, Glenn E.  
FILED: 12/11/2003    ART UNIT: 3764  
CONFIRMATION NO.: 7264  
TITLE: LOWER BODY EXERCISE DEVICE AND METHOD

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Gavin J. Milczarek-Desai  
Quarles & Brady LLP  
One South Church Ave., Suite 1700  
Tucson, AZ 85701

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that on this 4th day of April, 2007, this correspondence is being transmitted via EFS-WEB to the United States Patent and Trademark Office, Patent Technology Center 3700, Art Unit 3764.

By:   
Alice B. Vanicek

TO THE COMMISSIONER FOR PATENTS

Declaration By Dr. John Williams, Ph.D.

I, Dr. John Williams, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that I have full knowledge and understanding of the fact that willful false statements and the like made herein are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that any such statements may jeopardize the validity of the above-referenced application or of any patent granted on it.

1. I am a graduate of University of Oxford and University of London, where I received a B.A. with a major in Physics in 1967 and a Ph.D. in Engineering in 1971, respectively. I also currently hold the title of Professor of Aeronautical and Mechanical Engineering, University of

2. As a result of my education and experience, I have a thorough understanding of the principles of mechanical engineering.

3. I have read and understood U.S. Patent Application Serial No. 10/732,946 covering the method of exercising claimed in the above-captioned case.

4. I also have read and understood the Office Action from the Patent Office dated January 05, 2007, and the patents (U.S. Patent 4,492,374 (Lekhtman) and U.S. Patent 5,112,045 (Mason)) cited by the Examiner.

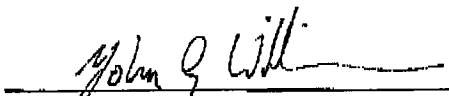
5. Based on my professional knowledge and experience, the Lekhtman patent teaches a "spring shoe," while the Mason patent teaches a platform supported by a bladder and upon which a patient balances or performs other exercises and works against the instability of the platform. Thus, the purpose of the bladder in Mason's patent is to be "an adjustable stability member." However, no mention is made by Mason of the use of a filled bladder for providing resistance to a pushing force applied by the user. Indeed, Mason refers only to the adjustment of pressure in a bladder as a means for adjusting stability, which is a totally different concept from resistance.

6. Based on my professional knowledge and experience, I believe that the invention is not obvious because one of ordinary skill in the art would not be motivated to combine Lekhtman and Mason. My belief is based on the disclosure by Mason of the bladder being used as an adjustable stability member. An adjustable stability member would not be used as a substitute for the resistance-bearing spring of Lekhtman's shoe invention, given the wholly different purposes and requirements of a resistance-bearing spring and a platform-stabilizing bladder.

7. Furthermore, even if one were motivated to combine the cited references, the combination of Lekhtman and Mason does not result in all elements of the claims. This is because nothing in Lekhtman or Mason (alone or combined with the knowledge available to one of ordinary skill in the art at the time the invention was made) teaches or suggests the recited ranges of relative energy return found in all claims of the invention. This range is critical because it was objectively determined by users through empirical testing, which I oversaw, to provide the best combination of resistance and restitution energy to the feet and legs in response to the claimed treading method.

8. Accordingly, it is my conclusion that the invention is novel and inventive over all art of record.

Respectfully submitted,

By:   
Dr. John Williams, Ph.D.

Dated: 4/3/2007